

the expression of the coding sequence is regulated by said cowpox ATI promoter.

More specifically claim 36 comprising Group II and directed to a method for introducing coding sequences into target cells relates to the administration of the same recombinant poxvirus as in claim 20 to those target cells and the ability of the recombinant poxvirus to immunize the cell. The invention relates still to the recombinant poxvirus of claim 20 itself and not to a particular way to introduce a particular coding sequence into a particular cell. In claim 37, comprising Group III, drawn to a method of producing a peptide, protein or virus, the first step in the claim relates to infection of a host cell with the same recombinant poxvirus as in claim 20 to produce a peptide, protein or virus serving as an immunogen. There is nothing unique about the way that the recombinant poxvirus is introduced into the cell,; rather it is the recombinant poxvirus that is introduced into the cell that is the invention. In claims 38, 39 and 42, there is nothing unique about the way that the composition is administered to the living animal host; is it rather the recombinant poxvirus that is administered according to the present invention, and its ability to effect an immunological response in the host that is the invention. In claim 40 drawn to the cell containing the recombinant poxvirus, once again it is the recombinant poxvirus and its ability to function as an immunogen that plays sole basis for the patentability of this claim.

Furthermore Applicants point out that method of use claims 38, 39 and 42 are all directly or indirectly dependent upon claim 20 and that there is only one use disclosed for the recombinant poxviruses of the present invention, to serve as an immunogen. Thus there is an additional reason why the claims of Group IV should be examined together with the claims of Group I.

Thus all of the claims relate to the novel recombinant poxvirus of claim 20 and to its use as an immunogen and clearly have a single inventive concept. Therefore there is no lack of unity of invention within the meaning of PCT Rule 13.2 and under this rule all of the claims should now be examined together.

Early notice of action is earnestly solicited,

Respectfully submitted,
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